

1 KEVIN V. RYAN (CASBN 118321)
United States Attorney

2 MARK L. KROTOSKI (CASBN 138549)
3 Chief, Criminal Division

4 JOSEPH FAZIOLI (ILSBN 6273413)
5 DANA R. WAGNER (CASBN 209099)
Assistant United States Attorneys

6 150 South Almaden Boulevard, Suite 900
San Jose, California 95113
7 Telephone: (408) 535-5595
8 Facsimile: (415) 535-5081
joseph.fazioli@usdoj.gov

9 Attorneys for the United States

FILED

SEP - 1 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,
15 Plaintiff,

16 v.

17 REY MARTINEZ,
18 Defendant.
19

No. CR 04-0189 VRW

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME FROM
THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A))

20 On June 20, 2006, the parties appeared for trial setting before the Court. Bill Fazio
21 appeared on behalf of the defendant Rey Martinez, Special Assistant United States
22 Attorney Nahla Rajan appeared on behalf of the government, standing in for lead
23 government counsel Assistant United States Attorney Joseph Fazioli. At the June 20,
24 2006 hearing, this case was set for trial on September 11, 2006. The parties agreed that
25 an exclusion of time under the Speedy Trial Act from June 20, 2006 to September 11,
26 2006 was appropriate on the grounds of effective preparation of counsel and continuity of
27 counsel.


28 In light of the above, the parties agree, and the Court finds and hold, that the time

STIPULATION AND [PROPOSED] ORDER
CR 04-0189 VRW

1 between June 20, 2006 and September 11, 2006 is excluded under the Speedy Trial Act.
2 The parties agree that the failure to grant the requested continuance would unreasonably
3 deny defense counsel reasonable time necessary for effective preparation, taking into
4 account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties
5 also agree that an exclusion of time is appropriate on continuity of counsel grounds. The
6 parties agree that the ends of justice served by granting the requested continuance
7 outweigh the best interest of the public and the defendant in a speedy trial and in the
8 prompt disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A).

9
10 STIPULATED:

11 DATED: 8/29/06



BILL FAZIO
Attorney for Defendant Martinez

12
13
14 DATED: 8/29/06


JOSEPH A. FAZIOLI
Assistant United States Attorney

15
16 IT IS SO ORDERED.

17 DATED: _____


VAUGHN R. WALKER
UNITED STATES DISTRICT JUDGE